

REMARKS/ARGUMENTS

Reconsideration of this application, in view of the foregoing amendment and the following remarks and arguments, is respectfully requested.

Claims 1-7, 9-15, 18-113 and 115-123 are currently pending in this application, and the Examiner's allowance of Claims 14, 15 and 18, and his indication that Claims 3-5, 57, 59-61, 63, 65-67, 76-79, 100, 102, 103, 106-108, 111, 115, 117, 118, 122 and 123 contain patentable subject matter, are noted with appreciation.

By the foregoing amendment, Claims 12, 13, 50-56, 62, 74, 81, 88 and 94 have been canceled without prejudice or disclaimer; and Claims 9, 57-60, 63, 64, 66, 68, 69, 75, 76, 80, 82, 83, 86, 89, 92 and 95 have been revised. Accordingly, Claims 1-7, 9-11, 14, 15, 18-49, 57-61, 63-73, 75-80, 82-87, 89-93, 95-113 and 115-123 remain in this application for consideration and allowance.

In the foregoing amendment the rewriting of objected-to dependent Claims 57, 59, 63, 76 and 83 in independent form is seen to clearly place Claims 57, 59-61, 63, 76-79 and 83-85 in a condition for allowance.

Turning now to the merits of applicants' claims, in his February 11, 2003 Office Action, the Examiner made the following substantive claim rejections which are respectfully traversed for reasons subsequently set forth herein.

1. Claims 1, 2, 7 and 75 stand rejected under 35 USC §102(b) as being anticipated by U.S. Patent 4,467,236 to Kolm et al;
2. Claims 6, 19, 64, 68-70, 80, 82, 86, 87, 89-93, 95-99, 101, 104 and 105 stand rejected under 35 USC §102(b) as being anticipated by U.S. Patent 3,970,877 to Russel et al;

3. Claims 58, 109, 110, 112, 113, 116 and 119-121 stand rejected under 35 USC §102(b) as being anticipated by U.S. Patent 5,554,922 to Kunkel; and

4. Claims 9-11, 20-22, 71-73 stand rejected as being unpatentable under 35 USC §103(a) over Russel et al or U.S. Patent 5,839,508 to Tubel et al in view of U.S. Patent 4,669,068 to Klatt.

**THE 35 USC §102(b) REJECTION OF
CLAIMS 1, 2, 7 AND 75 BASED ON KOLM et al**

Claims 1, 2 and 7 specify projections on an internal surface of a conduit which induce turbulence in fluid flow **through** the conduit. The Kolm et al elements 50 referred to by the Examiner are transducer circuits on the **exterior** of the muffler 62 and do **not** induce turbulence within the muffler.

Claim 75 requires a vibrating member which extends **transversely** to the flow passage. In contrast, the vibrating member 18 in Kolm et al extends **parallel** to the flow passage in which it is disposed.

It is therefore respectfully submitted that none of applicants' Claims 1, 2, 7 and 75 is anticipated by the Kolm et al reference.

**THE 35 USC §102(b) REJECTION OF CLAIMS
6, 19, 64, 68-70, 80, 82, 86, 87, 89-93, 95-99, 101, 104 AND 105
BASED ON RUSSEL et al**

Claims 6 and 19 require that electricity be produced in response to pressure fluctuations **within** the recited conduit (to which piezoelectric material is attached) - not in response to pressure fluctuations **external** to the conduit as disclosed in Russel et al.

With respect to Claims 62-70, Russel et al fails to disclose the vibration of a fluid chamber in response to the flow of fluid through the illustrated conduit as required by these claims.

Claim 80 recites that a protrusion of a conduit extends **inwardly** into a conduit flow passage to increase turbulence and thereby increase vibration of a member extending into the interior of the conduit. This claim limitation is clearly absent in Russel et al.

Claims 81-87 require that electricity be produced in response to fluid blowing **through** an **internal** flow passage within a conduit connected in a tubular string disposed within a well. In Russel et al electricity is **not** produced in response to fluid flow through the illustrated conduit within the well which causes vibration of an internal member within the conduit as recited in Claims 81-87.

Claims 88-93 and 94-97 require an **orifice** through which internal conduit fluid flow passes to vibrate a recited member. Russel et al clearly fails to disclose this claim limitation.

Claims 98,99, 101, 104 and 105 specify a displaceable member within the recited conduit - a limitation clearly not disclosed in Russel et al.

For these reasons it is respectfully submitted that none of applicants' Claims 6, 19, 64, 68-70, 80, 82, 86, 87, 89-93, 95-99, 101, 104 and 105 is anticipated by Russel et al.

**THE 35 USC §102(b) REJECTION OF CLAIMS
58, 109, 110, 112, 113, 116 AND 119-121
BASED ON KUNKEL**

Claim 58 recites a fluid conduit shaped to induce **turbulence** in fluid flowing therethrough. This limitation is clearly not disclosed in Kunkel.

Claims 109, 112 and 113 recite a cavity which outwardly **surrounds** a specified membrane. the cavity 5 in Kunkel clearly does not outwardly surround the illustrated membrane 3.

Claims 116, 119, 120 and 121 specify the positioning of the recited conduit in a tubular string within a well. This claimed positioning of a conduit is clearly not disclosed in Kunkel.

For these reasons it is respectfully submitted that none of applicants' Claims 58, 109, 110, 112, 113, 116 and 119-121 is anticipated by Kunkel

**THE 35 USC §103(a) REJECTION OF
CLAIMS 9-11, 20-22 AND 71-73 BASED ON
RUSSEL et al OR TUBEL et al IN VIEW OF KLATT**

Claim 9 specifies a fluid conduit having a helical portion operative to **induce turbulence** in fluid flowing through a recited conduit. None of these three references discloses or in any manner suggests this claim limitation.

Claims 10 and 11 require a conduit having an internal recess thereon which induces **turbulence** in fluid flowing through the conduit. There is no teaching or suggestion of this limitation in any of these three reference.

Claims 20-22 and 71-73 specify the inducing of turbulence in fluid flowing **through** a fluid conduit by the appropriate **shaping** of the conduit. This claim limitation is neither disclosed nor in any manner suggested in any of these three references.

For these reasons it is respectfully submitted that none of applicants' Claims 9-11, 20-22 and 71-73 is rendered obvious by these three references, whether considered singly or in any combination thereof.

In view of the foregoing amendment, remarks and arguments, all of the claims currently pending in this application are now seen to be in a condition for allowance. A Notice of Allowance of Claims 1-7, 9-11, 14, 15, 18-49, 57-61, 63-73, 75-80, 82-87, 89-93, 95-113 and 115-123 is therefore earnestly solicited.

The Examiner is hereby requested to telephone the undersigned attorney of record at 972/516-0030 if such would further or expedite the prosecution of the instant application.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450,

on May 5, 2003
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